

ADMINISTRATIVE PROCEDURES FOR ELECTRONIC CASE FILING HAVE BEEN ADOPTED!!!!

CM/ECF Bar Newsletter Volume 1 - Number 3
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At its June 26, 2003 meeting, the Board of Judges for the Northern District of New York adopted the Administrative Procedures for Electronic Case Filing in the form of a General Order (General Order # 22). These Administrative Procedures outline the procedures to be followed when filing documents electronically with the Court. Copies of General Order # 22 may be obtained from the Court's web page at www.nynd.uscourts.gov/cmecf. Some of the most common questions that General Order # 22 answers are:

What cases are included in ECF?

After January 1, 2004, all documents, in both civil and criminal cases, submitted for filing by attorneys admitted to practice in the Northern District of New York shall be filed electronically using the System or shall be scanned and uploaded to the System, **no matter when a case was originally filed**, unless otherwise permitted by these Administrative Procedures or unless otherwise authorized by the assigned judge.

What are the exceptions to Electronic Filing?



Currently, the only documents automatically exempt from electronic filing are:

1. Initial papers commencing an action;
2. Any document filed by a party proceeding *pro se*;
3. Sealed documents, sealed cases, documents presented for in camera review, lodged documents, ex parte documents, confidential agreements, Qui Tam actions, grand jury material and criminal warrants;
4. Social security transcripts;
5. State court records when submitted in response to a habeas corpus petition;

Everyone is encouraged to review section 2.1 of General Order # 22 for a detailed list of documents automatically exempt from electronic filing.

Who is eligible to file documents electronically?

Attorneys admitted to practice and in good standing in the Northern District of New York are eligible to register as a "Filing User" for CM/ECF purposes.



Do I have to file attachments and exhibits in electronic format?

Yes, unless the Court orders otherwise, Filing Users must submit all documents referenced as exhibits or attachments in electronic form. However, General Order #22 encourages Filing Users to file only excerpts of the referenced documents that are directly germane to the matter under the Court's consideration. Filing Users who file excerpts of documents as exhibits or attachments under these Administrative Procedures do so **without prejudice** to their right to timely file additional excerpts or the complete document. Responding parties may also timely file the complete document or additional excerpts that they believe are directly germane to the matter under the Court's consideration.

What are the procedures for filing large documents?

Due to the length of time it takes to download a large file, documents larger than two megabytes (approximately forty-five pages of .pdf text) must be filed electronically in separate two-megabyte segments. For more information on the electronic filing of large documents, please consult the Court's CM/ECF Users Manual, which will be available after 9/15/03 on the Court's web page at www.nynd.uscourts.gov/cmecf/.

Can I file documents in color?

Yes, however since documents scanned in color or containing a graphic take much longer to upload, it is recommended that, unless they are essential to the matter before the Court, documents should be scanned at 200 dpi and in black and white form rather than color.

How long must I retain documents containing original signatures?

Filing Users are required to retain all documents containing original signatures of anyone other than the Filing User for a period of not less than **sixty days** after all dates for appellate review have expired. It is also important to note that any non-filing signatory or party who disputes the authenticity of an electronically-filed document with a non-attorney signature or the authenticity of the signature on a document must file an objection to the document **within ten days of receiving** the Notice of Electronic Filing, or, if a non-Filing User, within ten days of receiving the document.

What happens if there is a technical failure of the system?

If the Court's CM/ECF site experiences a technical failure, a Filing User may submit documents to the Court that day in an alternate manner provided that the documents are accompanied by the Filing User's affidavit stating that the Filing User attempted to file electronically at least two times in one hour increments after 10:00 a.m. that day. The following methods are acceptable alternate means for filing documents in case of a technical failure:

1. Via electronic mail in a .pdf attachment sent to www.ecfhelp@nynd.uscourts.gov.
2. In person, by bringing the document to the Clerk's Office on paper accompanied by a 3.5" disk which contains the document in .pdf format.

A Filing User, whose filing is untimely as the result of a technical failure of the Court's CM/ECF site, may seek appropriate relief from the Court. However, Filing Users are cautioned that, in some circumstances, the Court lacks the authority to grant an extension of time to file (e.g. Rule 6(b) of the Federal Rules of Civil Procedure).

Known system outages will be posted on the Court's web page at www.nynd.uscourts.gov/cmecf.

What Kind of Training will be Provided?

The Court will be offering introductory sessions for attorneys and support staff at the following locations and times.



- ▶ Plattsburgh - **August 20th** from 2:00 PM at Plattsburgh State University Rm 108
- ▶ Binghamton Federal Courthouse - **August 28th** at 4:00 PM
- ▶ Utica Federal Courthouse - **September 3rd** at 4:00 PM
- ▶ Syracuse Federal Courthouse - **September 4th** at 4:00 PM
- ▶ Watertown - Jefferson Community College - **September 9th** from 2:00 PM, check the Court's web page for the location at Jefferson CC.

In addition to these introductory courses, in the near future the Court will offer more advanced, hands-on training for attorneys and support personnel.

Please check the Court's web page at www.nynd.uscourts.gov for more details about these upcoming training opportunities.

Whom Do I Contact If I Want More Information about CM/ECF?

If after viewing the information posted on the Court's web page you have additional questions, please feel free to contact the Court's project managers for the implementation of CM/ECF. They are;

Clerk of Court – **Larry Baerman**
315-234-8516

Chief Deputy – **John Domurad**
518-257-1809

